IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3626 OF 2006

Siddharth Rajiv Gupta Applicant
versus
State of Maharashtra Respondent

Mr.Amit Desai i/by Mihir Gheewalla for applicant
Mrs.M.H.Mhatre, APP for State.
Mr.Vaibhav Bagade for original complainant.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 11th October 2006
PC :

1. This is an application for bail by the applicant-husband who is arrested in connection with CR No.328 of 2006 registered with Oshiwara Police Station alleging offences punishable under sections 498A, 423, 504, 506, 465, 467, 471, 420 and 34 IPC.

2. The FIR has been registered at the instance of the wife Priyanka and on account of the disputes and differences between the applicant and her after their marriage.

3. The application for anticipatory bail preferred by the applicant was rejected. That was a joint application along with applicant, his father and mother. The mother was granted

anticipatory bail by me. Thereafter, the applicant and his father surrendered to custody. Applicant's father was enlarged on bail but the learned Sessions Judge rejected the application of the applicant and that is how the present application is filed.

4. When this application was placed before me yesterday I was informed that the parties are negotiating a settlement. The wife was also present. Today, the matter is placed at their request. Now, consent terms are tendered which are signed by the wife as also the applicant's father.

5. Shri Desai upon taking instructions makes a statement that the applicant is in custody but has authorised his father to enter into the consent terms. He has perused the terms and also agreed to abide by all such assurances and undertakings as are incorporated in these consent terms. He has no dispute with regard to the same.

6. An amount of Rs.4.00 lakh (Rs.Four lakh only) is being deposited by means of pay order details of which are also set out in the terms. The pay

order is handed over to the complainant wife's advocate in Court today. He states that the same would be deposited with the Principal Judge, Family Court on or before 16th October 2006.

7. Both sides have agreed to have their marriage dissolved by mutual consent. They have withdrawn all allegations against each other as also their in-laws. They have no claims against each others. The requisite application for obtaining the decree of divorce by mutual consent, would be filed before the Family Court, at Bandra on 16th October 2006.

8. It is in such circumstances that Shri Desai prays that this Court should exercise its inherent powers and proceed to quash the FIR itself. The learned advocate appearing for the complainant states that all disputes having been settled and parties having no claims against each other, the wife would have no objection if appropriate orders are passed. Learned APP leave the matter to the Court.

9. Consent terms signed by the father of the applicant and the complainant wife are taken on record and marked "X" for identification.

Undertakings accepted.

10. In the peculiar facts and circumstances of this case and without the order passed today being treated as a precedent, it is directed that the FIR registered by Oshiwara Police Station bearing No.328 of 2006 is quashed and all investigations in pursuance thereof shall come to an end.

11. In the light of quashing of FIR pursuant to the consent terms, needless to state that the applicant deserves to be released forthwith. He be accordingly released forthwith. The bail bonds furnished by other accused also to stand cancelled.

12. Since the parties have agreed that the articles in the Locker No.61 lying with UTI Bank, Goregaon Branch i.e. jewellery and other assets be handed over to the original complainant-wife, the order directing that the said locker be seized is also quashed and set aside.

13. All concerned including Police and Bank Officials to act on an ordinary copy of this order duly authenticated by Registry of this

Court.

(S.C.DHARMADHIKARI, J.)